

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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|-----------------------------------|---|-----------------------|
| BLAIR MIELKE, |) | |
| |) | |
| Plaintiff, |) | 2:14-cv-01763-JCM-NJK |
| vs. |) | |
| |) | |
| STANDARD METALS PROCESSING, INC., |) | ORDER |
| |) | |
| Defendant. |) | (Docket No. 13) |

Pending before the Court is the parties' amended stipulated discovery plan and scheduling order (Docket No. 13), which is hereby **DENIED**. Within the stipulation, the parties state that they "believe that it is the most efficient use of time and resources to ensure time to complete discovery once the Motion to Dismiss is decided." Docket No. 13, at 1. The parties are essentially telling the Court that they are self-imposing a stay of discovery, pending the resolution of the motion to dismiss. As the Court previously indicated, such a request must address the relevant standards. Docket No. 9; *see Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013); *see also Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011) ("The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending"). The parties fail to address these standards.

Additionally, the discovery plan is deficient in numerous respects. First, the Local Rules require proposed discovery plans to "state the date the first defendant answered or otherwise appeared." Local Rule 26-1(e)(1). The submitted discovery plan fails to do so. Second, the presumptive discovery period is 180 days from the date the first defendant answers or appears. *Id.* The proposed plan seeks additional time by calculating a 180-day period from the November 17, 2014.¹ Docket No. 13, at 2. The parties provide no explanation why extended discovery is required.

¹ Defendant filed a motion to dismiss on October 30, 2014. Docket No. 6.

1 Third, requests for extending discovery deadlines must be filed no later than 21 days before the
2 subject deadline sought to be extended. *See* Local Rule 26-4. The submitted discovery plan
3 misstates Local Rule 26-4. Docket No. 13, at 3. Finally, the proposed plan also misstates Local
4 Rule 26-7. *Id.*, at 3.

5 IT IS SO ORDERED:

- 6 1. The parties' amended stipulated discovery plan and scheduling order (Docket No.
7 13) is hereby **DENIED**.
- 8 2. The following discovery plan and scheduling order dates shall apply:
 - 9 a. Last date to complete discovery: **April 28, 2015**.
 - 10 b. Last date to amend pleadings and add parties: **January 28, 2015**.
 - 11 c. Last date to file interim status report: **February 27, 2015**.
 - 12 d. Last date to disclose experts pursuant to Fed. R. Civ. P. 26(a)(2): **February**
13 **27, 2015**.
 - 14 e. Last date to disclose rebuttal experts: **March 30, 2015**.
 - 15 g. Last date to file dispositive motions: **May 28, 2015**.
 - 16 h. Last date to file joint pretrial order: **June 29, 2015**. In the event dispositive
17 motions are filed, the date for filing the joint pretrial order shall be suspended
18 until 30 days after a decision of the dispositive motions.
- 19 3. In an effort to ensure future compliance and complete understanding of the Local
20 Rules, the Court hereby **ORDERS** attorneys Rachel Donn and Joshua Brinen to file
21 a certification with the Court no later than November 27, 2014, indicating that they
22 have read and comprehend Local Rules 26-1, 26-4, and 26-7. Counsel are advised
23 that similar violations in the future may result in the imposition of sanctions.

24 DATED: November 20, 2014

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26 
27 NANCY J. KOPPE
28 United States Magistrate Judge